TRANSCRIFT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

January 17, 2002 LB 824

but I did want to talk about the...a couple of issues. know, it's kind of funny that I did have this bill myself back in, I think it was 1995, in the Judiciary Committee. example I used at that time was this young boy that was ... mother was carrying and somebody come across the center line, was drunk, and hit them and the boy lived for eight hours after being taken by cesarean, and the mother then died too. there could only be one charge there, so that was my main reason for bringing the bill. I think it's something that we do need in the state of Nebraska. And I'm...wanted to really thank Senator Foley for picking it up and trying it again and getting it to the floor. And it is a change of law, I know, a serious change of law, but I do think we need it and I'm strongly supporting of his bill. There's a couple of cases that Senator Bourne mentioned that...and asked Senator Brashear. like to ask Senator Foley the very same questions that Senator Bourne asked Senator Brashear. Senator Foley, do you remember the questions that Bourne asked Senator Brashear, about the two cases . . .

SPEAKER KRISTENSEN: Senator Foley, would you respond?

SENATOR JONES: ...and...

SENATOR FOLEY: I'll respond but I...let me just tell you, Senator Jones, I had stepped out and have been distracted talking with people, so bring me up to speed on where we are on these questions.

SENATOR JONES: Okay, the two cases that Senator Bourne was asking about, which we talk about, is Zachary in Omaha that was...and also the <u>Soto</u> case. He asked Senator Brashear if under his amendment that they would be prosecuted, and he said that they would. I was going to ask you the same question. Under his amendment, do you think they would be prosecuted?

SENATOR FOLEY: Well, there would be a prosecution, but here...here's the distinction, and this is what the...the best legal minds that I can rely on--prosecutors, law professors, attorneys of great standing in the community around the state--here's what they're counseling me because, as you know,